

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**


**For**

**Other Than Full and Open Competition**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 23, Black Hills Health Care Systems, Fort Meade Medical Center, 113 Comanche Road, Fort Meade, SD, 57741, is the contracting organization responsible for this Justification for Other Than Full and Open Competition. The purchase request (VA Form 2237), is 568-14-09005-0200
2. **Nature and/or Description of the Action Being Processed:** This will be a new Firm Fixed-Price Service Contract for "Emergency Storm Damage Tree Repair and Removal". This work includes the removal and disposal of downed and damaged trees, limbs and branches. This work is to be accomplished at the VA Black Hills Health Care System, Fort Meade, South Dakota.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The VA Black Hills Health Care System has an emergency requirement to remove trees, branches and limbs that have been damaged due to a recent blizzard. Nearly every tree on the Fort Meade Campus has been damaged to some extent and many of these branches and trees present a safety risk to patients, staff and residents. The Independent Government Estimate for this work is \$160,000 and the completion time is estimated to be December 20, 2013.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
  - ☐ (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
  - ☒ (2) Unusual and Compelling Urgency per FAR 6.302-2;
  - ☐ (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
  - ☐ (4) International Agreement per FAR 6.302-4
  - ☐ (5) Authorized or Required by Statute FAR 6.302-5;
  - ☐ (6) National Security per FAR 6.302-6;
  - ☐ (7) Public Interest per FAR 6.302-7;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The proposed vendor, Pedersen Excavation has successfully completed numerous contracts at the Fort Meade VA Medical Center, all projects have been completed in a professional and timely manner. This vendor has the equipment, manpower and the expertise to respond to this emergency situation immediately. It is estimated that up to 500 trees were damage from this severe snow storm and the large branches and limbs broken and hanging in the trees are a very real safety concern to patients, visitors and staff. The onset of winter combined with winds are a concern that many of the branches/limbs will fall possibly injuring anyone walking in the area and further damaging buildings, fences, vehicles etc. Pedersen Excavation is a SDVOSB, they are familiar with the workings of this campus and have a proven past history.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable.** The proposed vendor, Pedersen Excavation is the only known local SDVOSB

contractor that has the manpower, equipment and expertise (arborist) that can respond immediately to this emergency situation.

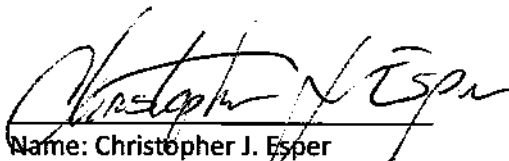
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The VA Engineering Staff has prepared an Independent Government Estimate (IGE); the estimated amount is \$160,000 and compares very favorably with the Contractors proposal of \$155,850.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Due to the emergency nature of this situation and since the safety of patients and staff are of major concern minimal Market Research was conducted. The vendor has the resources available and is able to respond immediately, also this is the only SDVOSB vendor with these capabilities in this immediate area.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Pedersen Excavating, PO Box 336, Spearfish, SD 57783, POC Monty Pedersen
11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** NA
12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

  
Name: Jon R. Holmgren  
Title : Engineering Program Manager  
Facility : Fort Meade, SD

10/22/13  
Date

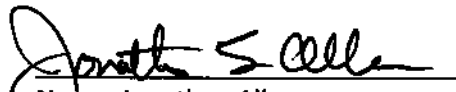
13. **Approvals in accordance with FAR 6.304**

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
Name: Christopher J. Esper  
Title: Contracting Officer  
Facility: BHHCS

10/22/13  
Date

- b. **PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition and I approve for other than full and open competition.

  
Name: Jonathan Allen  
Title: Product Line Supervisor  
Facility: VISN/PCA X, BHHCS

10/24/2013  
Date